

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal No.: 05-189(JDB)
	:	
MICHAEL JACKSON and	:	
MONICA MASON,	:	
	:	
Defendants.	:	

**GOVERNMENT’S MOTION FOR LEAVE TO MODIFY ITS OPPOSITION TO
DEFENDANTS’ MOTIONS TO SUPPRESSEVIDENCE AND STATEMENTS**

The United States, by and through its attorney, Kenneth L. Wainstein, the United States Attorney for the District of Columbia, hereby requests leave to modify its opposition to the defendants’ Motions to Suppress Evidence and Statements. In support of this pleading, the government makes the following representations:

1. In preparation for the upcoming motions hearing, the undersigned attorney reviewed the pleading that had been filed with the Court. The undersigned noticed that with regard to its second argument, regarding the existence of a valid Terry stop, on page 5 of the opposition, in the second full paragraph, the undersigned wrote “On those facts, the MPD officers were certainly justified in stopping the vehicle and detaining its occupants long enough to investigate whether they were involved in the robbery.” However, that sentence should be modified to read “On those facts, the MPD officers were certainly justified in stopping the vehicle and detaining its occupants long enough to investigate whether they were in fact armed.” The government is not arguing in this case that the defendants were stopped on suspicion of a robbery.

2. Further, with regard to the Terry stop argument, the government would also refer the Court to the case of Michigan v. Long 463 US 1032, 103 S. Ct. 3469 (1983) as further authority for the legality of the search in this case based on the proposition that a protective search of the passenger compartment of motor vehicle during lawful investigatory stop is both reasonable and appropriate.

WHEREFORE, for these reasons and any other reasons as may appear to the Court at a hearing on this matter, the government requests that the Court grant its motion for leave to modify its opposition to the defendants' motion to suppress evidence and statements.

Respectfully submitted,
KENNETH L. WAINSTEIN.
UNITED STATES ATTORNEY

By: _____
WANDA J. DIXON
Assistant United States Attorney
Organized Crime and Narcotics Trafficking Section
555 Fourth Street, N.W., Room 4235
Washington, D.C. 20530
202/514-6997